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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,149	06/22/1998	YOSHIYUKI OKADA	1081.1071/JD	1467
21171	7590	11/18/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/102,149	OKADA, YOSHIYUKI
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher O. Onuaku	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 June 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,10-12,14-16 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,10-12,14-16 and 22-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 11/20/03 have been fully considered but they are not persuasive.

Applicant argues that Kazo fails to disclose wherein the user indicates the video image to be played back. Examiner disagrees.

In col.13, line 45 to col.14, line 34, Kazo discloses the playback operation, wherein when the video cassette to be reproduced is housed within the changer unit 22, the identification information recorded on the video cassette, such as the tape absolute time data is reproduced by the mechanical deck 21. Based on the identification information, the CPU 11 identifies the video cassette housed therein. When the user thrusts a button switch 59c "program retrieval mode" of the remote controller 50, the CPU 11 enters into the "program retrieval mode", at which time the indicated picture is displayed/reproduced. Furthermore, the movement of the user's cursor by pressing the button switch 59d to a still picture associated with a cassette causes the CPU 11 to display/reproduce the still picture.

Applicant argues that the remote control 50 and CPU 11 do not constitute the claimed indicating means, as shown by the examiner in the last Office Action. However, from the above discussions, it is quite clear that the remote control means 50 and the

CPU 11 constitute the claimed indicating means since once the user, using the remote control 50, identifies the picture to be displayed/reproduced by moving the cursor to the picture, the CPU extracts the information data from the hysteresis information storage means (memory 13 of Fig. 1), which shows among other things the address, the title and the recording date/time of the user desired picture.

Tanaka reference was applied for teaching wherein the control unit stores the read and indicated video image data having predetermined amount in the second storage, and the Browne reference was applied for teaching wherein the first storage unit stores broadcast video image data in a plurality of channels which broadcast at a same time, which Kazo fails to explicitly disclose.

The combination of Kazo, Tanaka and Browne references clearly discloses the claimed invention.

The rejections are, therefore, maintained.

#### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,10-12,14-16&22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kazo (US 6,301,427) in view of Tanaka (US 4,982,390)).

Regarding claim 1, Kazo discloses in Fig.1,2,3 a recording/reproducing apparatus for recording picture signals on a recording medium, and reproducing the recorded pictures signals, comprising:

- a) a receiver receiving broadcast video image data (see Fig.1, FRIN 31, input terminal 32; col. 5, line 47 to col.6, line 15);
- b) a first storage unit storing the received broadcast video image data (see Fig.1 and video cassettes in changer unit 22; col.6, lines 4-34);
- c) a second storage unit storing an indicated video image data in the stored received broadcast image data of the first storage unit ( see Fig.1 and memory 14; col.6, line 64 to col.7, line 35);
- d) indicating means comprising a time designation unit for indicating the video image data to be played back and operated by a user ( see Fig.1&4, the identification information, remote controller 50 and CPU 11; col.6, lines 23-34; col.7, lines 38-57; col.12, line 51 to col.13, line 12; col.13, lines 45 to col.14, line 10);
- e) a control unit controlling the first storage unit so as to store the received broadcast video image, and for searching and reading the indicated video image data which have been stored in the first storage unit, and storing the indicated video image data in the second storage unit according to the indication of the indicating means (see Fig.1; CPU 11; col.6, lines 24-63 and col.13, line 45 to col.14, line 10);
- f) a storage table, separate from the first storage unit, to store a write time and a write address of the broadcast video image data in the first storage unit, according to the control unit (see Fig.1 and memory 13; col.6, lines 35-63 and col.7, lines 15-18),

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here in memory 13 is stored the picture recording date/time, that is the year, month, day and time of starting and end of the picture recording, and the absolute tape time data, that is the absolute recording start time and absolute recording end time indicating the program recording position on the tape, and the still-picture addresses indicating the addresses of memory 14 in which the still picture data are stored. Additionally, the first storage unit are the video cassettes in changer unit 22 and the second storage unit is memory 14 and the storage table is stored in memory 13.

and

g) wherein the control unit stores a write address and a write time of the first storage unit into a storage table whenever a predetermined amount of the received broadcast video image data is stored in the first storage unit, searches a write address of the indicated video image data from the storage table according to an indicated time of the indicating means as indicated by the user, and read the indicated video image data according the searched write address ( see Fig.1, CPU 11, video cassettes in changer unit 22 and memory 13; col.6, line 15 to col.7, line 18; col.8, line 13 to col.9, line 2 and col.13, line 45 to col.15, line 32).

Kazo fails to explicitly disclose wherein the control unit stores the read and indicated video image data having the predetermined amount in the second storage. However, Kazo discloses in col.15, line 66 to col.16, line 23, wherein two mechanical decks, namely, a first deck and a second deck, are provided in the VTR, and programs 121, 122, and 123 discretely recorded in the video cassettes having the tape magazine addresses #1 and #3, are reproduced by the first deck, and the resulting picture signals

are recorded in the sequence of the programs 121, 122, and 123 in the video cassette having, e.g., a tape magazine address #10 by the second deck, at the same time as the recording hysteresis information is updated.

The above disclosure of Kazo discloses the principle of recording data in the first recording means, reproducing the recorded data from the first recording means and then recording the reproduced data from the first recording means unto the second recording means.

It, therefore, would have been obvious to reproduce the video image stored in the claimed first storage unit and store the reproduced video image from the claimed first storage unit unto another storage means, including the claimed second storage unit, in order, for example, to satisfy a user's desired design need.

Furthermore, Kazo fails to explicitly disclose where the first storage unit is a FIFO storage unit. Tanaka disclose in Fig.1,2,4 a signal recording apparatus which, when instructed to start a signal recording, is capable of recording the necessary signal wherein Fig.4 illustrates another example of temporary memory 4 which uses an FIFO (First In First Out) memory 21 in place of the recording disk 11. It is known that an FIFO memory has a built-in address generator and sequentially stores an input signal and reads out its content in the same sequence as the input sequence in response to an external clock signal (see col.6, lines 27-37). It would have been obvious to modify Kazo by adding a FIFO memory as the first memory (memory 14) since it is well known that FIFO memory has the desirable advantage of a built-in address generator and

sequentially stores an input signal and reads out its content in the same sequence as the input sequence in response to an external clock signal, as taught by Tanaka.

Regarding claim 10, Kazo discloses wherein the first storage unit comprises a disk storage unit (see col.16, lines 24-34).

Regarding claim 11, Kazo discloses wherein the second storage unit comprises a disk storage unit (see col.16, lines 24-34).

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 1 above, including wherein the first storage unit is a random access storage unit (see Fig.1, memory 14 and col.7, lines 15-18).

Regarding claim 14, Kazo discloses wherein the random access storage unit comprises a disk storage unit (see Fig.1, memory 14 and col.16, lines 24-34).

Regarding claim 15, Kazo discloses wherein the control unit has a storage management table for storing storage addresses of each broadcast image data stored in the random-access storage unit, and wherein the control unit searches the indicated video image data by referencing the storage management table (see Fig.1&2; CPU 11 and col.6, lines 51-63; col.6, lines 35-63; col.9, lines 3-14, and col.13, line 46 to col.14, line 34).

Regarding claim 16, Kazo discloses indicating means for indicating the video image data to be recorded ( see Fig.1&4, the identification information, remote controller 50 and CPU 11; col.13, lines 45 to col.14, line 10).

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 1 above. Further, Kazo discloses storing in memory 13 (claimed second storage unit) of Fig.1 the picture recording date/time, that is the year, month, day and time of starting and end of the picture recording, and the absolute tape time data, that is the absolute recording start time and absolute recording end time indicating the program recording position on the tape, and the still-picture addresses indicating the addresses of memory 14 in which the still picture data are stored, which examiner reads as being stored on a table means.

However, Kazo and Tanaka fail to explicitly disclose a second table to store a write address and a time of the second storage.

It would have been obvious for Kazo to create any additional table, as required, to satisfy additional write address and time storage requirement, since Kazo already created a first write address and a time storage table, as discussed above.

Also, since control unit, CPU 11, writes the read and indicated video image data in the second storage unit (see memory 13), as shown above, it would have been obvious for CPU 11 to also write the read and indicated video image data in the second storage unit using the second (additional) storage table, since an (additional) second

storage table would have been created to accommodate any additional storage table requirement.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 1 above. Further, Kazo discloses wherein the control unit reads the indicated video image data from the first storage unit and writes the read and indicated video image in the second storage unit whenever a predetermined amount of the received broadcast video image is stored in the first storage unit ( see CPU 11 of Fig.1; col.14, lines 35-50), here CPU 11 stores identification data of plural scenes, and each scene is a predetermined amount of the received broadcast video image

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 1 above. Further, Kazo discloses wherein the control unit simultaneously reads the indicated video image data which has been stored in the first storage unit among the indicated all video image data ( see the playback operation of Kazo, col.13, line 43 to col.15, line 19); and writes the read video image data in the second storage altogether (see the recording operation of Kazo; col.6, line 24 to col.7, line 18). And in col.16, lines 5-23, Kazo discloses the principle of simultaneous recording/playback of one title.

Specifically, Kazo discloses in col.16, lines 5-23 wherein two mechanical decks, namely a first deck and a second deck, are provided in the VTR, and programs 121,122, and 123, discretely recorded in the video cassettes having the tape magazine

addresses #1 and #3, are reproduced by the first deck, and the resulting picture signals are recorded in the sequence of the programs 121,122 and 123 in the video cassette having e.g., a tape magazine address #10 by the second deck, at the same time as the recording hysteresis information is updated, as shown in Fig.21. By recording on the first video cassette and by recording on the second video cassette by the second deck at a time point of completion of recording by the first video cassette, a program with a long playing time, which cannot be recorded in one tape, may also be automatically continuously recorded without interruption in the recording contents.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claim 1 above.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kazo in view of Tanaka and further in view of Browne et al (WO 92/22983).

Regarding claim 3, Kazo and Tanaka fail to disclose wherein the first storage unit stores broadcast video image data in a plurality of channels which broadcast at a same time. Browne et al teach a large capacity, random access, multi-source audio and video recorder player which is capable of receiving a plurality of simultaneous input signals and which allows a user to view and/or to record selected ones of the plurality of input signals comprising multi-input connections, each of which may receive an input signal 101a-101f from the air and ground based broadcast sources, cable feeds, or digital distribution sources. The multi-source recorder player 100 can receive and process

through multi-channel sources compressed digital signals 101g and 101h. Receiving compressed signals expands the signal handling and storage capacity of the multi-source recorder player 100. Once signals are input, the multi-source recorder player 100 can simultaneously record, process, route, and display the plurality of input video and/or audio signals (see Fig. 1; page 6, at least lines 1-12). Storing broadcast video image data in a plurality of channels which broadcast at a same time provides the desirable advantage of expanding the signal handling and record capacity of a multi-source recorder player, for example. It would have been obvious to further modify Kazo by realizing Kazo with a multi-source recorder means that can store broadcast video image data in a plurality of channels which broadcast at a same time, as taught by Browne, since this provides the desirable advantage of expanding the signal handling and record capacity of a multi-source recorder player, for example

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)  
and (for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should  
be direct to Customer Service whose telephone is (703) 306-0377.

*[Signature]*  
COO

11/12/04

*[Large handwritten signature]*  
CHRISTOPHER ONUAKU  
EXAMINER